IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

AS.No. 591 of 1994()

OS.74/1991 of SUB COURT, KASARAGOD
.....

APPELLANTS - PLAINTIFFS:
----

1. ABDUL RAHIMAN, S/O. ABBAS BEARY.

2. ASYAMMA, W/O. ABDUL RAHIMAN

BOTH ARE RESIDING AT THEKKIL VILLAGE, THEKKIL FERRY POST, KASARGOD TALUK.

BY ADV. SRI.P.K.MOHAMMED

RESPONDENTS - RESPONDENTS:
----

1. THE KERALA STATE ELECTRICITY BOARD, REPRESENTED BY ITS SECRETARY, TRIVANDRUM.

2. THE ASSISTANT EXECUTIVE ENGINEER, ELECTRICITY BOARD, CHENGALA DIVISION, P.O. CHANGALA, KASARGOD.

BY ADVOCATE SHRI C.K. KARUNAKARAN SC FOR KSEB)

THIS APPEAL SUIT HAVING BEEN FINALLY HEARD ON 20/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

==========

A.S. NO. 591 OF 1994

==========

Dated this the 20th day of November, 2007

J U D G M E N T

Plaintiffs in O.S. No.74 of 1991 on the file of the Sub Court, Kasargod, are the appellants. Appeal is filed against the decree and judgment passed by the court below allowing the plaintiffs to recover a sum of Rs.65,000/- as compensation on account of the death of their son due to electrocution. Plaintiffs filed the suit alleging that their son, Abdul Majid, aged 23 years, was electrocuted and died. It was averred that the incident occurred due to the negligence of the respondents in not maintaining the line properly. It was alleged that one line snapped. It was hanging on the pole and touched the ground. The other portion of the live wire was lying hidden under the ripe paddy spikes. It was alleged that their son came into contact with the fallen wire, electrocuted and died. They claimed a compensation of Rs.1,00,000/-.

2. Defendants filed a written statement contending

that the first plaintiff was aged 75 and second plaintiff was aged 65 at the time of death of their son. Negligence alleged was denied and the quantum of compensation claimed was also disputed. Trial court found that the son of the plaintiffs died due to electric shock and the incident occurred due to the negligence of the defendants. An amount of Rs.65,000/- was awarded as compensation. Contending that the compensation awarded was inadequate, plaintiffs themselves have filed this appeal.

3. Findings of the trial court that the incident occurred due to the negligence of the respondents and appellants are entitled to compensation have become final and conclusive. The only point arising for consideration is whether the appellants are entitled to get any additional compensation. The court below took Rs.5,000/- per annum as the pecuniary loss. Considering all aspects of the matter, I am of the view that Rs.6,000/- per annum should have been taken as the pecuniary loss. So the appellants are entitled to Rs.10,000/- more as compensation with 6% future interest. But I do not find any reason to interfere with other findings entered into

by the court below.

In the result, appeal is allowed in part. A decree is passed in favour of the appellants allowing them to recover an additional compensation of Rs.10,000/- with 6% future interest, from the respondents.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

==========

A.S. NO. 591 OF 1994

==========

J U D G M E N T

---

20 H NOVEMBER, 2007